IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.03.2007

CORAM:

THE HON'BLE MR.JUSTICE P.SATHASIVAM
AND
THE HON'BLE MR.JUSTICE S.TAMILVANAN

W.P.NO.10804 OF 2007
AND
M.P.NO.1 OF 2007

Mr.P.Gajendran

...Petitioner

Vs.

1.The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Malligai,
Egmore,
Chennai 600 008.

2. The Commissioner,
Ambattur Municipality,
Ambattur,
Chennai 600 053.

3. Mr.Murugesan,
No.174, Kumaran Nagar,
Padi,
Chennai 600 050.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus as stated within.

For Petitioner : Mr.S.Rajendran
For Respondent No.1: Mr.J.Ravindran
For Respondent No.2: Mr.P.Subramanian
Government Advocate.

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J)

The petitioner has filed this writ petition praying to issue a writ of Mandamus directing the first and second respondents viz. Chairman, Chennai Metropolitan Development Authority and Commissioner, Ambattur Municipality to demolish the unauthorized constructions put up by the third respondent herein on the Southern Row of Ayyappakkam Main Road (50 feet Road) lying with in the limits of Ward No.32 of Ambattur Municipality.

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2. On direction, Mr.J.Ravindran, learned counsel takes notice for respondents 1 and 2.

3. Even at the outset, learned counsel for the petitioner fairly states that subsequent to the representation of the petitioner dated 1.11.2006, the first respondent Chairman, Chennai Metropolitan Development Authority wrote a letter to the Commissioner, Ambattur Municipality, the second respondent herein on 18.1.2007 requesting him to inspect the premises of the third respondent and take necessary action according to law as per the Circular No.RT1/12393/2005 dated 27.5.2005 and as per the respective Local Bodies Act. Learned counsel for the petitioner has also produced a copy of the said communication. It is clear that action is being taken at the instance of respondents 1 and 2.

4. In such circumstances, we are of the view that no further direction is required to be issued by this Court at this juncture. It is needless to mention that before initiating any action, respondents 1 and 2, particularly the second respondent is duty bound to issue notice and afford adequate opportunity to the third respondent.

5. With the above observation, the writ petition is dismissed. No costs. Consequently, MP.No.1 of 2007 is also dismissed.

VJY

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Malligai,
Egmore,
Chennai 600 008.

2. The Commissioner,
Ambattur Municipality,
Ambattur,
Chennai 600 053

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